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MANAGEMENT, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 JOE BASULTO AND MINNIE BASULTO.

Plaintiffs,

V.

**MIDLAND CREDIT
MANAGEMENT, INC.**

Defendant.

Case No.

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441(a)**

State Court Complaint filed 12/17/14

18 **TO THE CLERK OF THE COURT:**

19 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. sections 1441(a) and
20 1331, Defendant Midland Credit Management, Inc. (“Midland”) hereby removes
21 this action from the Superior Court of the State of California for the County of San
22 Bernardino, Case No. CIVDS1418611 (the “State Case”) to the United States
23 District Court for the Central District of California. The grounds for this removal
24 are:

FACTUAL SUMMARY

26 1. On December 17, 2014, plaintiffs Joe Basulto and Minnie Basulto
27 commenced the State Case alleging violations of the federal Fair Debt Collection
28 Practices Act (15 U.S.C. § 1692 *et seq.*) and the Rosenthal Fair Debt Collection

1 Practices Act (Cal. Civ. Code § 1788 *et seq.*).

2 2. Midland was served with the summons and complaint on January 22,
3 2015.

4 3. This notice is therefore timely pursuant to 28 U.S.C. § 1446(b) because
5 it is being filed within thirty days after service of the complaint.

6 **JURISDICTION**

7 4. Removal is proper pursuant to 28 U.S.C. section 1441(a), which
8 entitles a defendant to remove “any civil action brought in a State court of which the
9 district courts of the United States have original jurisdiction,” and 28 U.S.C. section
10 1331, which gives district courts “original jurisdiction of all civil actions arising
11 under the Constitution, laws, or treaties of the United States.” The district court has
12 supplemental jurisdiction over the alleged state law claim because it is so related to
13 the claim over which the district court has original jurisdiction that it “form[s] part
14 of the same case or controversy.” 28 U.S.C. § 1337(a).

15 5. Pursuant to 28 U.S.C. section 1446(a), Midland attaches as **Exhibit 1**
16 and **Exhibit 2** the copies of all process, pleadings, and orders in the State Court
17 action.

18
19 DATED: February 23, 2015

SOLOMON WARD SEIDENWURM &
SMITH, LLP

20
21 By: s/LEAH S. STRICKLAND

22 THOMAS F. LANDERS

23 LEAH S. STRICKLAND

24 Attorneys for Defendant MIDLAND
25 CREDIT MANAGEMENT, INC.

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